

NEW CIVIL-SERVICE BOARD IS NAMED

(Continued from First Page.)

admitted that the Commissioners had allowed Mr. Schmitt to carry names on the pay-roll without pay and select his own favorites from the lower columns of the list.

MADE RESOLUTION RETROACTIVE.

When the Civil Service Reform Association began its investigation it directed attention particularly to the resolution passed by the Civil Service Commission on March 18, allowing the Park Commissioner to carry a large number of laborers on his pay roll without pay and appoint in their places men he selected from the eligible lists. This resolution was retroactive in its force, thereby sanctioning similar juggling with the pay roll in the past.

The Commission's reply to the Mayor is tedious in its length and volume of quotations from various laws and statutes. Mr. McCooey, who wrote this letter, denies emphatically that his board was seemingly blind to violations of both the letter and spirit of the law in opening a gap through which political motives could enter into the employment of laborers.

In a further explanation of the retroactive resolution of March 16, the Commissioner asserts that Reform Park Commissioner Rustie had gone even further than the Commissioner removed to-day.

THOSE WHO WERE REMOVED.

The Commissioners removed are:

JOHN H. MCCOOEY, President of the Board, of No. 1426 Pacific street, Brooklyn; a Democrat.

JEROME SIEGEL, member of the Siegel Cooper Company, of No. 65 Wooster street; a Democrat.

JOSEPH P. DAY, a real estate dealer, of No. 258 Broadway, a Democrat.

EDWIN A. CROWNSHIELD, a broker, of No. 80 Broadway, a Democrat.

EUGENE F. O'CONNOR, a lawyer, of No. 428 Clermont avenue, Brooklyn, a Republican.

Hal Bell, whose resignation was accepted, was also a Republican.

Mr. McCooey was the only salaried member of the Civil Service Commission, receiving \$6,000 a year for his services as president of the board. Mr. McCooey is a McCarran Democrat and was formerly Assistant Postmaster of Brooklyn. He declared to an Evening World reporter to-day that the Commission had acted upon the advice of the Corporation Counsel, and what they had done they were convinced was strictly within the law.

Mr. McCooey admitted that his resignation had been requested by Mr. McClellan, but denied emphatically that he had tendered it. He said that he had received an order of removal, but smilingly added with a wave of his hand: "We are still doing business at the same old stand."

MAYOR UPHOLDS CHARGES.

This explanation had no force with the city's Executive. He filed his charges with the Commission on Sept. 8 and demanded an immediate answer. This he received on Sept. 20, and his letter to President McCooey, written to-day, speaks clearly and with no soft phrase of his opinion of the Commission's answer to the charges. The letter says:

Concurrently with my examination of the portion of the charges which bear upon your official conduct, I have considered those which relate to the acts of the Commissioner of Parks for the Borough of the Bronx, and I have reached the conclusion that Commissioner Schmitt has wilfully violated the law. I am also forced to the conclusion that, in some respects, at least, this violation by him would have been impossible if it had not been for the conduct of your Board, which I deem illegal in itself, and which may be fairly attributed to collusion with him.

The Civil Service Commission is intended by law to serve as a check upon the heads of the city departments, so as to prevent them from violating the law or its subsidiary rules. Section 19 of Chapter 370 of the Laws of 1899 prescribes the way in which this check shall be made effective. Under this section, the Civil Service Commissioners are given jurisdiction over the pay-rolls, and should only certify such pay-rolls as are in conformity with the law.

RESOLUTION IN BAD FAITH.

I consider that your resolution of March 16, which was evidently intended to validate previous illegal acts of Commissioner Schmitt, and to permit an evasion of the law as to his acts subsequent to that time, to have been passed in bad faith, and not for the purpose of enforcing but rather of subverting the civil service law.

I do not deem it necessary to enter into a discussion in detail of the various phases presented by these charges or your answer. It would be of no service to do so.

Even when at times I have doubted the advisability of certain acts by the heads of the city departments, I have refrained from any interference with the exercise of their discretion, and have avoided any criticism on the subject lest I might diminish their sense of personal responsibility and of complete accountability for the administration of their respective departments, but I cannot maintain such an attitude when I believe the law has been purposely evaded.

It is not enough to urge that by such evasion of the law the city has sustained no pecuniary loss, or that political opponents were in their time adepts at such violations. Your oath of office, and mine, requires from each of us an effort to administer our respective trusts according to the law and in the public interest, and the city expects that that oath shall be kept with an exercise of intelligence and right conscience.

I am as sensitive as one could be to the disagreeable nature of the duty which I am called upon to perform, but I must nevertheless do it, and I therefore request your resignation as President of the Municipal Civil Service Commission instantly.

GEORGE B. MCLELLAN, Mayor.

MR. SCHMITT REMOVED.

The letter to Park Commissioner Schmitt directly accused him of wilfully evading the civil service law in many important particulars. It reads in part:

I regret to say that after a very patient examination of the communications made by you and by the Civil Service Commissioners, I am constrained to find that you have wilfully evaded the civil service law in many important particulars. A discussion of each instance in which the offensive conduct has been committed would be of no avail. Your answers were, to my mind, most disingenuous, and for that reason I refrain from giving them any further consideration now.

I have, therefore, but to inform you of my finding. I regret very much that almost at the outset of the incumbency of your office you saw fit to depart from the attitude which your oath of office required of you to uphold the law, and I therefore request that you forthwith tender to me your resignation as Commissioner of Parks, Borough of the Bronx. GEORGE B. MCLELLAN, Mayor.

In a letter to Eugene F. O'Connor the Mayor refers to his proffer of his resignation of July 30 and says he could not accept it until he had fully considered the report of the Commission in reply to the charges. Then he had complied to ask for the resignation of all the members of the board.

In a brief letter to Commissioner Siegel Mr. McClellan says that as it appears by the records he was a participant in the acts complained of there was no alternative but to request his resignation.

Similar letters were sent to Mr. Day and Mr. Crownschild. The Mayor refused to discuss the removal of the commission, saying that his letters told the story. In addition to the letters made public the Mayor said that there were more than six hundred pages of correspondence regarding the charges on file in his office. Mr. McClellan has not yet selected any persons to fill the vacant posts of the ousted commissioners.

REFORM ASSOCIATION PLEASED.

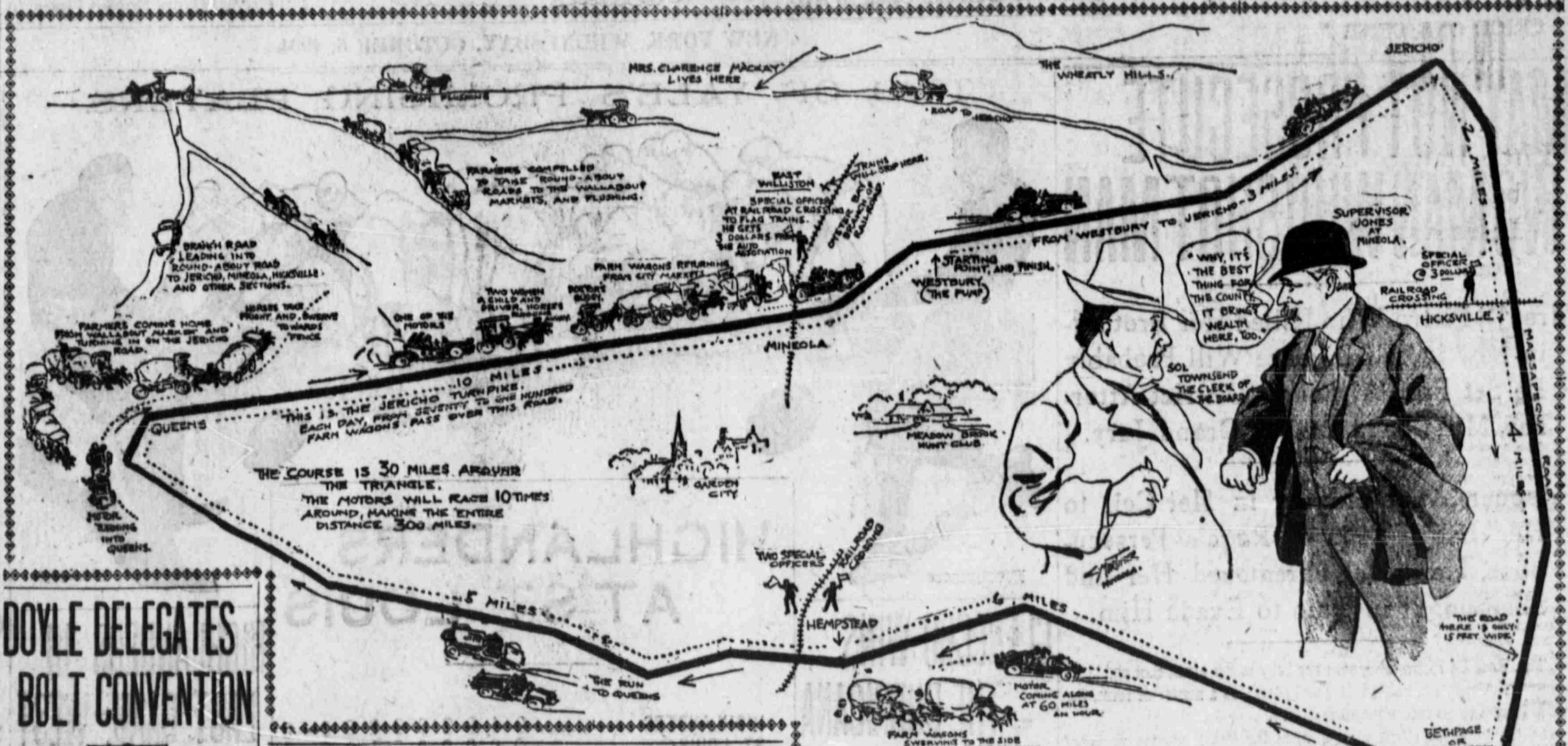
Miss W. Burt, Chairman of the Examination Committee of the Civil Service Reform Association, who prepared the charges, said this afternoon: "The charges represented a very flagrant violation of the civil service rules. There was no doubt of the substantial ground for them. We were particularly interested in the case because it was in the interests of the laboring man."

"I did not expect so early a conclusion by the Mayor, yet so clear was the case that he did not have far to go for proof of our allegations."

Charles F. Murphy, when asked for an expression of opinion about the removal of the Commission, said that all he knew about it was that Park Commissioner Schmitt had been recommended to the Mayor by Victor J. Lewis, leader of the Twenty-fourth Assembly District. Beyond that he would say nothing.

ROUTE OF DANGEROUS AUTO RACE ON LONG ISLAND WHICH IS ALMOST CERTAIN TO MEAN LOSS OF LIFE

In Europe Many Contests Similar to This One Have Been Held, Almost Invariably Being Attended by Fatalities of Some Sort, but That Fact Doesn't Seem to Cool the Ardor of the Contestants for the Vanderbilt Cup.



DOYLE DELEGATES BOLT CONVENTION

James J. Kehoe Flips to McCarran and Secures the Nomination for State Senatorship from Fifth District.

After a ten-hour session, and unable to even get so far as the election of a temporary chairman and with one policeman to every delegate, the convention called to name a Democratic candidate for the State Senate from the Fifth District of Kings County still in half. Twenty-five delegates, controlled and led by William A. Doyle, Deputy Fire Commissioner, left the hall. Twenty-six more, friends of Senator P. H. McCarran, remained and nominated James J. Kehoe.

The convention was held in the Eighth Assembly District Club-house, No. 170 Bergen street, and even to a district that has been as turbulent as the Eighth has been for years it was the greatest convention in the line of turbulence ever seen. The fight there will probably be carried to the courts. It is a part of the battle for the control of Kings County.

McCarran's opponent, James J. Kehoe, who had broken with McCarran and followed Doyle into Tammany Hall, combined with Former Senator Coffey and beat McCarran's friend, Senator McCabe, for the leadership of the district. Kehoe had been promised the nomination for Senator by Doyle, having agreed to give his delegate to him.

Deadlock Begins Early.

By authority of the Kings County Committee Charles M. Byrne called the convention to order. That was the only act of order all night. The rest was disorder. He read the call and announced that the convention must select a temporary chairman. Doyle was on his feet in an instant and named a man. Gray did the same, and the roll called showed a deadlock.

At 6:30 A. M., between ballots for a chairman, Doyle and his attorney, Mr. Van Thun, a delegate from the Seventh, held a conference and a request was read for an adjournment. The chairman ruled his power was to call the delegates to order and have them select a chairman, and refused unless a majority voted.

The Doyle men, after a protest against this ruling, marched out of the hall. The crowd that hung about the clubhouse all night, based as they left the neighborhood.

BLINDNESS FROM INSOMNIA.

OWINGSVILLE, Ky., Oct. 5.—R. H. Isom, of Hardman, Knott County, one of the wealthiest merchants in the Kentucky mountains is going blind from the loss of sleep.

Six weeks ago Mr. Isom was stricken with nervous prostration, and his power of vision began to fail at the same time he began to suffer from insomnia. Physicians have given no relief and his sight is steadily failing. He has been taken to Louisville for treatment.

LA FOLLETTE WINS IN WISCONSIN

The Governor Defeats Senators Spooner and Quarles, the Supreme Court Declaring His Party Regular.

MADISON, Wis., Oct. 5.—The Supreme Court to-day decided the La Follette ticket regular. Three Judges, Marshall, Dodge, and Winslow, are for the La Follette faction. Chief Justice Brandeis dissents.

The decision settles the bitter fight between the two Republican factions in this State as to which was entitled to place its nominees on the State ticket at the November election.

One faction, known as the "Half-breds," is headed by Gov. La Follette. The other is headed by S. A. Cook, and is supported by United States Senators Spooner and Quarles. This is known as the "Stalwart" faction. The "Stalwarts" asked the Supreme Court to enjoin the Secretary of State from placing the names of the La Follette nominees on the ticket.

The Governor, although overthrown by the National Convention at Chicago in his effort to seat his contesting delegation, is now legally given control of the party in the State.

His State ticket is declared the regular Republican ticket, so that it will now bear that appellation. The Spooner ticket must choose another name if it should be continued in the field after this serious blow at its success.

The result of one of the bitterest political quarrels ever fought in Wisconsin may be considered as a serious blow to the opponents of Gov. La Follette. The quarrel reached a crisis last June when the fight was before the Republican National Committee with the result that Gov. La Follette's followers, who were considered to constitute the radical wing of the party in the State, were thrown out. The Spooner, or conservative, wing of the party was declared regular, and its delegates put on the temporary roll.

The question was raised in a contest instituted by Senator Spooner to have the "Big Four" elected by the bolting convention that he led recognized. When the State convention was held on May 10 it consisted of 1,965 delegates. Of these 1,214 were classed as administrative or La Follette men, 642-3 as stalwarts or Spooner men, and 10 who were excluded from the temporary roll because of contests in high level figures. This gave control of the convention to the La Follette faction by a majority of 643.

Because of the "autocracy" of Gov. La Follette and the manner in which they were treated, the Spooner men walked out of the State convention and held another convention, designated the "true" convention by the La Follette people, at which they elected La Follette, the Chairman of the Republican Congressional Campaign Committee, and Emil Baesch.

PARKER SPENDS AN HOUR WITH ARTIST

Democratic Candidate Visits Uri, Who Is Painting His Portrait, and Spends Remainder of Day Resting for To-Night.

Judge Parker spent an hour to-day at the studio of Muller Uri, the artist, who is painting his portrait in oil. On his return to the Hotel Seville he had a long conference with Thomas Taggart, after which it was announced that Judge Parker would make no engagement for the day, but would rest for the Manhattan Club reception to-night.

and Judge Herick are to be the principal guests at the reception.

WIGWAM FIGHTS ELECTION LAWS

Tammany Sends a Big Array of Lawyers to Defend Anthony Colensi, Who Is Being Prosecuted by Supt. Morgan.

When the case of Anthony Colensi, of No. 212 Mott street, who was arrested for refusing to take an oath in the office of Superintendent of Elections Morgan, was called in the Centre Street Court to-day, Charles Henry Knox, Chairman of the Tammany Hall Law Committee, Robert L. Luce, Abraham Levy and Witte and Brand, of No. 24 Broadway, appeared for the Italian.

It was explained that this great array of counsel was present because it had been determined to make a fight on Supt. Morgan's methods of interrogating voters of foreign birth. It was said by Mr. Levy that thousands of cases would depend upon the result of this one.

Deputy Attorney-General Bulger appeared for Mr. Morgan. He said that the proceeding in which Colensi had been summoned had to do with the last election, not the coming one. Under Section 7 of the General Election law, he said, it was a misdemeanor for Colensi to refuse to be sworn in such a proceeding.

Colensi's lawyers insisted upon the presence of Mr. Morgan. Mr. Morgan himself came to court on a telephone message, but Magistrate Barlow said he need not answer any questions. Mr. Morgan was willing to explain some things. He said that the proceedings against Colensi were legal and that his arrest was for a distinct violation of the law.

Magistrate Barlow after a long argument held Colensi on his own recognizance for \$100. Mr. Morgan said he would not take it. He said he would not take it. He said he would not take it.

CITIZENS' UNION MEN IN WIGWAM

Tammany Leaders Report that the Workers of the Reform Organization Are in Line with Them This Year.

Tammany Hall district leaders reported to Charles F. Murphy to-day that they had already succeeded in recruiting in their list of campaign workers most of the election district captains of the Citizens' Union and that the indications were that the Citizens' Union men would soon come over in a body for the present campaign.

How the Engagement Ended.

(From the Boston Transcript.) Kate—By the way, I suppose you know the engagement between Bessie and Harry is at end?

Flournoy—You don't say! Well, do you know I never could understand what Harry could see in her. How did it happen?

Kate—In the usual way. They were married yesterday!

TAGGART CLAIMS 4 DOUBTFUL STATES

Chairman Says Complete Canvass Shows that New Jersey, New York, Connecticut and Indiana Are Democratic.

Chairman Thomas Taggart, of the Democratic National Committee, to-day confirmed the story printed exclusively in The Evening World last night that a thorough canvass of the doubtful States has been made by the National Committee with results which are very gratifying to the Committee, to himself and to Judge Parker.

"We have completed this canvass," said Mr. Taggart to-day, "and it has been a most thorough one. One of the things it has accomplished has been the elimination of several States from the list of doubtful ones."

"Our canvass shows that New Jersey, New York, Connecticut and Indiana are no longer doubtful States. They are as surely Democratic as though the vote was in. Indiana we were in doubt about for some time, but our figures show that it is safely Democratic."

"Wisconsin we do not claim yet. We still look upon it as a doubtful State. The reports, however, are that if the Supreme Court decides in favor of the Half-breds, the La Follette men will flock to the Democratic standard. So when this decision is handed down in favor of the Stalwarts, as it surely will be, we will be ready to include Wisconsin in our list."

DEMORALIZATION IN REPUBLICAN CAMP

Deputy Attorney-General Bulger, After Tour of State, Says Voters Everywhere Are Deserting Odell and Higgins.

Deputy Attorney-General Charles N. Bulger, who was sent out by the Democratic State Committee last week to sound the political pulse up the State, returned to this city to-day. Mr. Bulger says that the Republican situation up State is the most in the history of the party.

"It is simply amazing," he said, "the kind of talk one hears from Republican counties. Odell's ears ought to burn, for the way Republicans are talking about him is enough to make your hair stand on end. They are firmly convinced that Higgins is merely a dummy for the Governor and that the only hope for the party is the defeat of the State ticket this year and a complete reorganization of their machinery with Odell out."

"I wish there was as many Republicans who were going to vote for Judge Parker as there are going to vote for Judge Herick. In the main I find that Republicans will be loyal to Roosevelt, but they will have none of Higgins and Odell. The Herick vote is going to be something enormous. The best of it is that the Republicans realize it and are doing everything to stem the tide of sentiment. It is useless though. The big Republican counties are in a state of revolt against Odell and they will tear the Republican State ticket to pieces."

"I visited Oswego, Auburn, Syracuse, Clyde and traveled through portions of Wayne, Madison and Seneca counties, and everywhere observed an extraordinary awakening of interest. As the result of my observation, I feel absolutely justified in assuming that our State ticket will win by a least 100,000 plurality."

GROUT BALKS AT SALARY INCREASE

Comptroller Refuses to Sanction Demands of Different Departments Unless the Law Compels Him to Do So.

Comptroller Grout started the ball rolling to-day when the Board of Estimate met to continue its investigation of the department estimates. As soon as Commissioner Langtry, of the Department of Correction, presented his budget, showing an increase of \$12,547.50, mostly for salaries the Comptroller announced his position.

"Unless the law compels us," he said, "I will not sanction these constant increases of salary."

"The prevailing rate of wage law" interrupted the Commissioner. "I don't know about that law," the Comptroller interrupted in his turn. "There are different ways of looking at it. I am informed that the law applies only to per diem wages and not to annual salaries. I offer these motions."

"That the Corporation Counsel be advised as to the prevailing rate of wages in relation to the annual salary."

This motion was then followed by the motion that the Commissioner of Accounts be instructed to make investigation to find out what the relation of wages in the institution is to that of the private employer.

PEACE MEN CALL FOR END OF WAR

BOSTON, Oct. 5.—The International Peace Congress has adopted resolutions calling upon Russia and Japan to end the present war and upon the signatory powers of The Hague convention to press upon the governments of Russia and Japan the importance of putting an end to the strife.

For a Time

Constipation and indigestion may give rise to nothing more serious than a distressed feeling or discomfort due to an overworked or impoverished condition of the Digestive Organs. A dose or two of

Beecham's Pills

will easily put this right, but if neglected what a burden of illness may be the consequence. Sold Everywhere in boxes 10c. and 25c.

HOW TO FIND OUT.

Fill a bottle or common glass with your water and let it stand twenty-four hours; a sediment or settling indicates an unhealthy condition of the kidneys; if it stains the glass it is evidence of kidney trouble; too frequent desire to pass it, or pain in the back, is also convincing proof that the kidneys and bladder are out of order.

What to Do. There is comfort in the knowledge so often expressed that Dr. Kilmer's Swamp-Root, the great kidney remedy, fulfills every wish in curing rheumatism, pain in the back, kidneys, liver, bladder and every part of the urinary passage. It corrects inability to hold water and scalding pain in passing it, or bad effects following use of liquor, wine or beer, and overcomes that unpleasant necessity of being compelled to go often during the day, and to get up many times during the night. The mild and the extraordinary effect of Swamp-Root is soon realized. It stands the highest for its wonderful cures of the most distressing cases. If you need a medicine you should have the best. Sold by druggists in fifty-cent and one-dollar sizes.

You may have a sample bottle of Swamp-Root, the great kidney remedy, and a book that tells all about it, both sent absolutely free by mail. Address Dr. Kilmer & Co., Binghamton, N. Y. When writing be sure to mention that you read this generous offer in the New York Evening World. Don't make any mistake, but remember the name, Swamp-Root, Dr. Kilmer's Swamp-Root, and the address, Binghamton, N. Y., on every bottle.

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SPECIAL FOR WEDNESDAY.
Chocolate Covered Peasants 10c
Assorted Fruit and Nut 15c
Assorted Fruit and Nut 15c
Vanilla Cream Almonds 10c
Assorted Fruit and Nut 15c
Assorted Fruit and Nut 15c
Assorted Fruit and Nut 15c

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COR. WEST ST.
29 CORLANT ST.
COR. CHURCH ST.

Face Value

is what you value your face at. If you value it as you should, you use

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